

REMARKS

Claims 1-6, 11, and 14-18 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kikuchi (U.S. Pat. No. 5,133,232) and Tomisawa (U.S. Pat. No. 5,182,710). This rejection is respectfully traversed.

Kikuchi and Tomisawa each disclose a method and apparatus for determining a rate of change of a pedal position and selecting a performance mode according to the rate of change, where the performance modes include varying transmission shift strategies.

Applicant respectfully avers, however, that the methods and apparatuses disclosed by Kikuchi and Tomisawa do not provide the applicant's claimed method and apparatus for determining the rate of change of the pedal position. In particular, the applicant's method and apparatus of independent claims 1, 11, and 18, receives a pedal voltage signal and filters the pedal voltage signal at a predetermined filter rate (alpha) dependent upon an engine speed and a vehicle speed, and uses the pedal voltage and filtered pedal voltage to determine the rate of change of pedal position. Since these elements are not disclosed by the cited references, applicant believes that the independent claims 1, 11, and 18 are now in a condition for allowance. With respect to the remaining dependent claims 2-6 and 14-17, without conceding the Examiner's

position, Applicants contend these claims are allowable as a result of the dependency from either claim 1, 11 or 18.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6526

Respectfully submitted,

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